

# Student Online Personal Information Protection Act (SOPIPA)

## SUMMARY

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**Senator Darrell Steinberg's legislation** protects California students in the digital age. As California educators and students increasingly use digital technology for school purposes, it is imperative that student private information remains private. This bill requires operators of K-12 online sites, services, and applications to keep student personal information private. Under the bill, online operators can only use student personal information for school purposes. They may not sell student personal information to third parties, like advertisers. Since these operators hold sensitive information about children, they are also required to keep student information safe by adequately encrypting data. And, they must delete the student's personal information when it is no longer needed for the school purposes.

## BACKGROUND

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Educators and students across California are utilizing new online services that were developed for K-12 school purposes, including enhancing in-classroom learning and completing administrative tasks.

Many of these services require students to log in and create accounts so that personal information, such as grades, disciplinary history, and chat records can be tracked, collected, stored, and analyzed. In many cases, the only formal arrangement between the parties is the privacy policy, drafted by the online commercial entity. Many of these privacy policies state that they are "subject to change" at any time. They also state that the online site does not take responsibility for the use of student

personal information by the other companies that provide applications the online operator makes accessible on their own site.

Indeed, a secondary market of application or "App" development and educational product advertising has evolved around these online services that hold student personal information. Developers are using student data to design new applications that can be sold on these in-system K-12 online sites or "stores." "Apps" purchased in these "stores" oftentimes have no privacy policy presented during the purchase. This is leaving student personal information vulnerable for a host of uses never contemplated by the students or educators.

It is imperative that online companies that market their online sites to schools and students for K-12 school purposes ensure that the sensitive information they hold regarding California students remains safe.

## THIS BILL

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### ***Online Sites, Services, And Applications Developed For K-12 School Purposes Must Safeguard Student Personal Information***

This bill prohibits K-12 online educational sites, services, and applications from compiling, sharing or disclosing student personal information for any purpose other than the K-12 school purpose or technical up-keep of the site. This bill also prohibits those online sites, services, and applications from facilitating marketing or advertising to K-12 students.

***Online Sites, Services, And Applications Developed For K-12 Purposes Must Ensure That The Third Party Applications They Make Available On Their Sites Also Safeguard The Personal Information Of Students***

This bill requires that operators of online sites, services, and applications developed for K-12 school purposes inform secondary operators of applications, sites, or services that are accessible on the primary operator's K-12 sites of the fact that they are being used for K-12 school purposes on the primary site so that the secondary operator can comply with this law and safeguard the personal information of the students. If the primary operator fails to make the disclosure, then the primary operator is held liable for the secondary operator's compliance with the law.

***Online Sites, Services, And Applications Developed For K-12 School Purposes Must Keep Student Data Safe And Cannot Hold Student Personal Information Indefinitely***

This bill requires that online sites, services, and applications developed for K-12 school purposes keep student data encrypted and safe at all times. This bill requires that these online sites, services, and applications delete student personal information if the site, service, or application is no longer used for the original K-12 purpose.

***Permits Online Sites, Services, And Applications Developed For K-12 School Purposes To Disclose Student Personal Information Under Certain Circumstances***

This bill allows online sites, services, and applications developed for K-12 school purposes to disclose student personal information if federal or state law require the disclosure or for valid law enforcement purposes. It also requires the release of student personal information for legitimate research purposes as required by federal and state law.

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## SUPPORT

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Common Sense Media

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### FOR MORE INFORMATION

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